

REMARKS

Claim Status

Claims 1, 20, 30, 33, 34, and 35 have been amended. Claim 18 was previously canceled. Applicants request reconsideration in light of the above amendments and the following remarks.

Examiner Interview

Applicants acknowledge with appreciation the courtesy extended by the Examiner to their representative in a telephonic interview on January 18, 2011 in which the teachings of the prior art references and the § 112 rejections were discussed. The Examiner informed Applicants' representative that reliance upon the Bishop reference had been withdrawn. Accordingly, the Bishop reference is not discussed below with respect to the § 103 rejections.

Response to 35 U.S.C. § 112 Rejection

Claims 33, 34, and 35 have been rejected under 35 U.S.C. § 112, second paragraph, as indefinite on the ground that the claims are directed to various forms of the product produced by the process of claim 1, but no amounts or degrees of concentration are found in claim 1; thus, it is not seen that the process of claim 1 would have produced such products. In response, claim 1 has been amended to recite the step of "combining the hypo-allergenic permeate with at least a fraction of the hypo-allergenic pulp." As such, the claim now recites a step that allows for varying the ratio of permeate to pulp in order to vary the concentration. Applicants respectfully request the rejection be withdrawn.

Response to 35 U.S.C. § 103 Rejections

Claims 1-5, 10-13, 28, 29, 32, and 33 are rejected as being obvious over EP 0137671 to Winterson or EP 0174594 to Lawhon in view of U.S. Patent 7,108,887 to Chu. This rejection is respectfully traversed. The Examiner concedes that neither Winterson nor Lawhon teach the step of "washing the pulp using an acidic solution to obtain a hypo-allergenic pulp" as is recited in claim 1. Office Action at 3. The Examiner relies on Chu to teach this step; however, as discussed in the interview with the Examiner, Chu fails to teach or disclose this step. Chu is directed to a juice processing treatment for citrus fruit. Chu, col. 1, lines 15-19. As Chu is directed to a fruit that is

inherently acidic, no motivation would exist to acidify the wash solution. In fact, like Lawhon (at pages 11-12), Chu teaches against using an acid wash by teaching a deacidification step to reduce the acidity of the fruit juice. Chu, col. 7, lines 10-16. Even Winterson only contemplates or offers examples using citrus fruits. Winterson at 5 (providing for lemon juice in Example 1) and 6 (providing for orange juice in Example 2). Accordingly, one of ordinary skill would not rely on Chu to teach an acid wash step of the pulp. Further, both Lawhon and Winterson teach against acidified wash steps.

Claims 2-5, 10-13, 28, 29, 32, and 33 depend from claim 1 and are allowable for at least the reasons discussed above. Accordingly, Applicants respectfully request the rejection of claim 1-5, 10-13, 28, 29, 32, and 33 be withdrawn.

Claims 6-9 have been rejected under 35 U.S.C. § 103(a) as being obvious over the Winterson or Lawhon/Chu combination set forth above and further in view of U.S. Publ. App. No. 2005/0056161 to Le Rouzin and U.S. Patent No. 5,653,673 to Desai. This rejection is respectfully traversed. Claims 6-9 depend from claim 1 and are allowable over the Winterson or Lawhon/Chu combination as discussed above. Le Rouzin, which has been cited as disclosing “an apparatus with cylindrical strains, symmetrical about an axis in a tank with a perforated radial wall,” and Desai, which has been cited as disclosing “a solid-bowl centrifuge decanter,” do not cure the deficiencies of Winterson or Lawhon in view of Chu, discussed above. Accordingly, Applicants respectfully request the rejection be withdrawn.

Claims 14-17 and 25-27 have been rejected under 35 U.S.C. § 103(a) as being obvious over Winterson et al. or Lawhon et al. in view of Bishop, and further in view of BG61472 to Todorov. This rejection is respectfully traversed. In light of the Examiner’s statement during the interview that Bishop is no longer relied upon as a reference, Applicants respectfully address the rejection with respect to the Winterson or Lawhon in view of Chu rejection. Claims 14-17 and 25-27 depend from claim 1 and are allowable over Winterson or Lawhon in view of Chu as discussed above. Todorov, which has been cited as disclosing the use of reverse osmosis to concentrate, does not cure the deficiencies of the Winterson or Lawhon in view of Chu combination. Accordingly, Applicants respectfully request the rejection be withdrawn.

Claims 19-24, 30, 31, 34, and 35 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Winterson or Lawhon in view of Bishop and Todorov and further in view of Loader and Bishop. This rejection is respectfully traversed. Claims 19-24, 30, 31, 34, and 35 all depend from claim 1 and are allowable over the Winterson or Lawhon/Chu combination as discussed above. Loader, which discloses a food product containing juice pulp and acidified milk components, does not cure the deficiencies of Winterson or Lawhon in view of Chu. Bishop is no longer relied upon by the Examiner. Accordingly, Applicants respectfully request the rejection be withdrawn.

In view of the above, Applicants believe the pending application is in condition for allowance.

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Respectfully submitted,

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